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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,269	10/28/2003	Janne Kesala	SEPP14.001C1	4712

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EXAMINER	
BUEKER, RICHARD R	
ART UNIT	PAPER NUMBER
1763	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/695,269	KESALA	
	Examiner	Art Unit	
	Richard Bueker	1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 37-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/03</u> . | 6) <input type="checkbox"/> Other: ____. |

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Claims 37-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 37, the use of the word "nozzle" in the phrase "at least one second gas nozzle" to describe a gas exit is unclear, vague and indefinite because the definition of "nozzle" is "a projecting spout, terminal discharging pipe, or the like, of a hose or bellows", which does not include a gas exit. Also, in claim 37, line 9, "from first container" is unclear and should be changed to "from the first container".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soininen (WO 96/17106) taken in view of Toole (4,167,915). Soininen (see Figs. 1 and 4) discloses a reactant source assembly for generating a gas phase reactant flow comprising a first container (vaporizers $S_1 - S_8$) having an opening and containing a liquid or solid and a second container (pressure shell 1) having a gas tight container wall enclosing the first container and defining a gas space around the first container. Soininen teaches (page 9, lines 1-23) that small gas leaks inevitably occur in the pipe joints of his apparatus, but feeding a protective gas into the interior of his apparatus to surround these pipe joints can mitigate these small leaks. The protective gas is flowed into the gas space defined by the second container around the first container. Soininen

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does not discuss how the protective gas is supplied, and does not discuss the use of a first and second nozzle as recited in applicant's claim 37. Toole (see the Fig.) discloses an analogous apparatus in which a second container encloses a first container, with a protective gas being fed into a gas space between the two containers. Toole illustrates the use of "nozzles" 21 and 22 for feeding the flow of protective gas.

It would have been prima facie obvious to one skilled in the art to feed the protective gas of Soininen by means of nozzles because Toole teaches that using feed gas nozzles to feed a protective gas is a successful way to feed a protective gas as desired by Soininen.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soininen (WO 96/17106) taken in view of Toole (4,167,915) for the reasons stated in the preceding paragraph, taken in further view of Rangarajan (6,444,038) or Antell (GB 2,223,509), who both teach that it is desirable to cover the exit opening of a vaporizer with a filter to prevent unvaporized particles from exiting the vaporizer. It would have been obvious to use a vaporizer having such a mechanical filter as a vaporizer in the apparatus of Soininen for the desirable purpose of preventing unvaporized particles from reaching the coating chamber of Soininen.

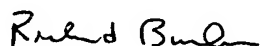
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Bueker whose telephone number is (571) 272-1431. The examiner can normally be reached on 9 AM - 5:30 PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parvis Hassanzadeh can be reached on (571) 272-1435. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Bueker
Primary Examiner
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